

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Revision of the Commission's Rules to)	CC Docket No. 94-102
Ensure Compatibility With Enhanced 911)	
Emergency Calling Systems)	

To: The Commission

REPLY COMMENTS OF SOUTHERN COMPANY

Southern Company hereby submits these reply comments on the *Further Notice of Proposed Rulemaking* in the above referenced docket.¹ Southern Company supports the Commission's efforts to promote E-911 capability for wireless and wireline systems, but urges the Commission to adopt flexible rules or guidelines, if any, that would apply to multi-line systems in order to permit system operators to use more effective means of processing emergency calls.

I. INTRODUCTION

Southern Company is a registered holding company under the Public Utility Holding Company Act of 1935, as amended. Southern Company, through five electric utility subsidiaries, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively the "Operating Companies"), provides retail and wholesale electric service

¹*Further Notice of Proposed Rulemaking*, FCC 02-326, released December 20, 2002 ("*Further NPRM*"). By *Public Notice*, DA 03-623, released March 5, 2003, the time for filing Reply Comments on the *Further NPRM* was extended to March 25, 2003.

throughout Georgia, most of Alabama and parts of Florida and Mississippi. The Operating Companies operate an extensive private telephone and data network (MLTS)² designed to support their electric operations. Southern Company's private network encompasses approximately 400 individual PBXs. Southern Company has invested millions of dollars in these systems, and would face a substantial technical and economic burden if they suddenly were required to meet E911 requirements as proposed by the Commission.³ Moreover, and as explained below, alternative means of summoning emergency responders may be more effective, particularly in the case of large corporate facilities or areas subject to heightened security procedures.

II. COMMENTS

A. The Commission Should Not Require Existing MLTS Operators to Provide E911.

Southern Company supports the Commission's efforts to promote automatic number identification (ANI) and automatic location identification (ALI) by MLTS. However, Southern Company is currently unaware of any technology that allows legacy

²The Commission uses the phrase "multi-line telecommunications system" (or multi-line system) to describe phone systems that include: a private branch exchange (PBX), a Centrex telephone system, a key telephone system and a hybrid telephone system. Southern Company uses the same terms and meanings in its reply comments.

³A subsidiary of Southern Company, Southern Communications Services, Inc., operates a wide-area digital wireless service under the brand name Southern LINC throughout the areas served by the electric Operating Companies. Although Southern LINC has been an active participant in this docket in connection with its deployment of E911 Phase II service as part of its CMRS offering, the present Reply Comments are limited to discussing the impact on its parent, Southern Company, and its electric Operating Companies of any requirement to provide location information in connection with the operation of their private, internal telephone and data networks.

PBX systems to provide ANI and ALI information to the accuracy contemplated by the Commission in its current rulemaking. Further, the PBX manufacturers commenting in this proceeding have noted that even if this capability were incorporated in new PBX equipment, there are a number of interrelated issues that must be addressed to ensure that the information generated by the equipment would even be useful.⁴

Should this technology become available in PBX equipment, a further issue will be the prevalence of analog phone lines. Even if ALI information were available in a PBX system, such information can only be sent over digital phone lines. The Commission should not only consider the current state of the MLTS technology but should also closely examine the costs associated with the implementation of any E911 requirements on these systems as well as the fact that not all locations are currently served by digital phone lines.

B. Southern Company Has in Place the Means to Provide E-911 Service for its Customers and Employees.

Southern Company's private phone network utilizes MLTS in its offices and generation plants to provide interconnected service for private mobile radio services used to communicate with transmission and distribution line crews. The network is designed and operated to the highest standards of safety and reliability both to protect employees and the public at large that depend upon reliable electric service. Even if it were currently possible from a technology standpoint, which is not, providing ALI over Southern Company's extensive private networks would be no small task.

⁴See Comments of Avaya, Inc., filed February 19, 2003, and Comments of NEC America, Inc., filed February 19, 2003.

The safety of Southern Company's customers and employees is of utmost importance and Southern Company believes it has in place adequate alternative means of facilitating effective emergency response. For instance, in an electric operations headquarters that is spread over a large area, employees have been trained to contact the security department, so that security personnel can call 911 and then meet and guide the emergency responders to the person in need. Similar procedures exist in the company's corporate offices and local business offices. These procedures do not prevent individuals from calling 911 directly and providing their location within a facility should they choose to do so. However, they are encouraged to follow the company's internal security procedures since not all PBXs (analog) will show the extension from which the person made the call.

The Commission should also bear in mind that electric utilities maintain secure locations where location information alone would not necessarily provide emergency responders with immediate access to a caller absent assistance from other utility personnel. As an alternative to E911 capability, utility personnel already familiar with emergency procedures could provide the street address and phone number of the security station to the PSAP and simultaneously provide an alert to the security station for a particular building. The security station could then assist the emergency response units by directing them to the appropriate building. Directing such calls through the utility's own security stations will also permit such personnel to render whatever assistance they can until the arrival of other emergency responders, thus further advancing the overall goal of promoting safety of life and property. The Commission should clarify that this would serve as an adequate alternative means of providing E911 capability.

C. MLTS Systems are Typically Long-Lived Assets.

In the electric utility industry telecommunications equipment such as PBXs are typically assigned useful lives of 15 or more years for purposes of setting electric rates. In Southern Company's case, the assigned useful lives for PBX hardware range between 17 and 24 years. However, aside from cost accounting issues, the reality is that PBX systems, particularly for very large corporations, are not replaced as frequently as consumer telephone systems or less complex systems used in small business environments. With the continuing advances in telecommunications technology, Southern Company has chosen to use life cycles of 8 to 10 years for MLTS hardware and 3 to 5 years for MLTS software. Thus, even though Southern Company is continually upgrading its facilities, it still would take approximately ten years for MLTS hardware to be completely replaced.

D. The Commission Should Encourage Uniform Industry Standards for E911 Development.

The Commission has invited comment on the NENA Model E911 Legislation drafted in 2000 by the National Emergency Number Association, and on the Consensus Proposal that was developed in 1997 by the "E911 Consensus Group". The NENA E911 Model Legislation would have the Commission modify portions of its Part 68 rules to codify certain changes and encourage industry to develop generally applicable standards for the states to adopt.⁵

If the Commission adopts rules or guidelines as outlined in the Consensus Proposal or the NENA E911 Model Legislation, Southern Company recommends that the

⁵*Further NPRM* at ¶ 88.

Commission encourage uniform, industry-led, consensus standards for business MLTS compliance. Uniform standards that are developed by the industry are likely to result in reduced equipment costs and reflect the current state of technology. Southern Company believes these standards should be based upon consensus among operators and providers of MLTS and local exchange carriers. Local exchange carriers should share the burden of bringing MLTS into compliance as the provision of ALI information is reliant on the cost effective availability of digital phone lines.⁶

Southern Company disagrees with both the NENA E911 Model Legislation and the Consensus Proposal to the extent they recommend that existing systems be required to be brought into compliance. However, as noted previously, Southern Company currently undertakes a routine refreshment and replacement of its MLTS facilities over an approximate 10-year replacement cycle. A uniform compliance standard could result in Southern Company's MLTS facilities being in compliance within 10 years of the date compliant PBXs become available.

Southern Company notes that both the NENA E911 Model Legislation and the Consensus Proposal recognize that alternative and adequate means of signaling and responding to emergencies by operators of large business locations are sufficient and will therefore negate the need for ANI and ALI.⁷ Southern Company also notes that even the

⁶For example, experience in expanding E911 to wireless carriers has pointed out that unless the regulatory requirements on the ILECs are clearly defined and their costs of service are closely controlled, other parties' efforts could be for naught. See "A Report on Technical Issues Impacting The Provision of Wireless Enhanced 911 Services," prepared by Dale N. Hatfield and filed in WT Docket No. 02-46, October 15, 2002, at 32-34.

⁷The public safety and user organizations sponsoring the Consensus Proposal "recognize that many buildings operate internal procedures for signaling and responding to

revised proposal developed by the "Private Switch Study Group" would specifically exempt facilities offering "alternative and adequate means of intercepting emergency calls."⁸ As mentioned above, Southern Company believes it already has such alternative and adequate means of signaling and responding to emergencies. Southern Company's personnel are trained and experienced in such matters, and already provide means of efficiently directing emergency services to the appropriate locations on Southern Company property, effectively serving the function of E911 capability. Southern Company therefore supports adoption of practical, flexible rules that will permit alternative and adequate means of signaling and responding to emergencies in lieu of an arbitrary requirement to deploy technologies that might not achieve the overarching goal of this proceeding: protection of lives and property.

III. CONCLUSION

Southern Company urges the Commission to exempt existing MLTS systems from E911 capability. In the alternative, Southern Company urges that the Commission permit systems that are installed after the effective date of any rules or guidelines adopted in this proceeding to comply with those rules or guidelines within a reasonable time frame of at least 7 years after the later of: (1) the effective date of the rules or guidelines; (2) the date reasonably priced digital phone line service is made available by the LECs to

emergencies other than through an ANI/ALI system, and agree that business locations served by such procedures would not be required to reconfigure the MLTS when such procedures are adequate to respond to emergency conditions." Public Safety - MLTS Industry Consensus, filed April 1, 1997, at 2.

⁸See MLTS Proposals of NENA and APCO, filed July 24, 2001, in CC Docket No. 94-102 at Exhibit C.

facilities served by MLTS; and (3) the date compliant PBX equipment and software is required to be available from manufacturers. The safety of Southern Company's customers and employees is of utmost importance and Southern Company believes it has in place adequate alternative means of facilitating effective emergency response. To the extent the Commission chooses to regulate MLTS, Southern Company urges the Commission to adopt flexible rules or guidelines for compliance as described herein, recognizing the value of industry-developed standards and customer-developed alternative means of signaling and responding to emergencies

WHEREFORE, THE PREMISES CONSIDERED, Southern Company respectfully requests that the Commission develop rules and policies in this proceeding consistent with the views expressed herein.

Respectfully submitted,

/s/ Christine M. Gill
Christine M. Gill
Jeffrey L. Sheldon
McDermott, Will & Emery
600 13th Street, N.W.
Washington, D.C. 20005
202-756-8000

Attorneys for Southern Company

March 25, 2003